

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JOSHUA MURRAY, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

NATIONAL ASSOCIATION OF
REALTORS,

Defendant.

Case No. 2:22-cv-11107-SFC-DRG

HON. SEAN F. COX
Magistrate Judge David R. Grand

**DECLARATION OF TIM KLINE
IN SUPPORT OF DEFENDANT
NATIONAL ASSOCIATION OF
REALTORS' MOTION TO
DISMISS**

I, Tim Kline, declare as follows:

1. I submit this declaration based on my personal knowledge. I can testify competently to the facts contain herein if called to testify as a witness.
2. I am the director of Operations and Product Management for the National Association of Realtors® (“NAR”). I have worked at NAR for over 32 years.
3. NAR is the country’s largest trade association and currently has over 1.5 million active members, including residential and commercial brokers, salespeople, property managers, appraisers, counselors, and others engaged in the real estate industry. Its members participate in all aspects of the residential and

commercial real estate industries. NAR's primary mission is to uphold and expand everyone's right to own, buy, and sell real property.

4. NAR provides its members with several benefits, including advocating on their behalf for federal policy initiatives that strengthen the consumer's ability to own, buy, and sell real property, offering designations and certifications to expand its members experience and expertise in various real estate sectors, and giving access to exclusive member pricing on products and services with NAR's many business partners.

5. All NAR members receive *REALTOR® Magazine* by mail as part of their membership unless they affirmatively opt out of receiving it. NAR does not sell *REALTOR® Magazine* subscriptions to its members.

6. NAR members who opt out of receiving *REALTOR® Magazine* are not refunded any portion of their membership dues.

7. Since 2012, NAR has made digital versions of the magazine freely available to its members and the general public on NAR's website.

8. Plaintiff Joshua Murray ("Murray") has an active NAR membership, and he was an active NAR member throughout 2016.

9. According to NAR's records, Murray did not opt out of receiving *REALTOR® Magazine* by mail, and he should have received the magazine throughout 2016.

10. In 2016, only eight nonmembers of NAR with Michigan addresses—all businesses—paid to receive *REALTOR® Magazine* by mail.

11. NAR members are permitted to publicize their NAR membership by using the term REALTOR® in connection with their names. REALTOR® has one meaning: member of NAR and the member’s agreement to adhere to NAR’s strict Code of Ethics. The REALTOR® mark also signifies NAR members’ commitment to protecting clients, the public, and other real estate professionals, as well as to conducting business with integrity, and providing high standards of real estate services.

12. NAR members can be found by searching realtor.com, a publicly-available website.

13. Only active NAR members are displayed on realtor.com’s “Find a REALTOR®” directory. This is one of several benefits of NAR membership.

14. NAR members may claim and edit their realtor.com profiles. They may also make a request to realtor.com to have the profile removed.

15. Murray claimed and edited his realtor.com profile, and the following changes were made: first name changed from “Joshua” to “Josh”; added profile photo, bio, years of experience, areas served (e.g., the zip codes he works in), specializations, mobile phone, website, company logo, MLS ID, chose to enable ratings, and approved displayed recommendations.

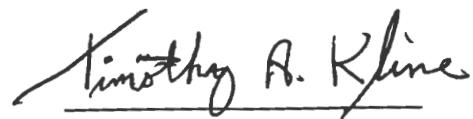
16. Based on my review of NAR's membership records, there is only one Joshua Murray who is a NAR member and who resides in South Lyon, Michigan.

17. The photo of Josh Murray on realtor.com depicts the same person as a LinkedIn profile for Josh Murray, which lists a location of South Lyon, Michigan. *See* Josh Murray realtor.com profile (attached here to as Exhibit A) and Josh Murray LinkedIn profile (attached hereto as Exhibit B).

18. Murray's realtor.com profile prominently displays the REALTOR® mark and Murray's NAR membership.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 19th day of September, 2022, in Naperville, Illinois.



Tim Kline

EXHIBIT A

JOSH MURRAY - Brighton, MI [Buy](#) [Sell](#) [Rent](#) [Mortgage](#) [Find Realtors®](#) [My Home](#) [News & Insights](#) [Manage rentals](#) [Advertise](#) [Log in](#) [Sign up](#)



JOSH MURRAY

Linked Realty LLC

 5 (5)  4 recommendations

About JOSH MURRAY

At Linked Realty, our mission is to bring down the high cost of selling a home. We do that by charging a flat fee of 4K to sell your home. For the flat fee, you get the exact same service that you would from a 6 percent agent including (but not limited to) an in-home consultation, professional photography, lock box, yard sign, all of your showings scheduled with Showing Time, and all of your marketing and advertising. On top of that, your home is listed on the MLS, which markets your home with thousands of websites including Zillow, Trulia and Realtor.com, just like the 6 percent agents.

With most home buyers starting their home search on the internet, online exposure is critical to attracting buyers. But our services don't stop there. Our team stays with you, from listing your home to the closing table. Helping you through inspections, c

[Continue reading](#)

Experience	Price Range (last 24 months)
16 years	\$171K - \$665K

Areas Served

Ann Arbor	Bloomfield Hills	Brighton	Canton
Commerce To...	Dexter	Drayton Plains	Farmington
Fenton	Fowlerville	Hamburg	Hartland
Highland	Howell	Keego Harbor	Livonia
Milford	New Hudson	Northville	Novi

[Show more areas served](#)

Specializations

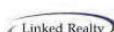
Buyers	Flat Fee Listing
Foreclosures	Market Analysis

Contact details

 (248) 795-9445 Mobile
 (810) 360-0064 Office

 [JOSH MURRAY website](#)

 [Linked Realty LLC](#)
10315 Grand River, Brighton
, MI, 48116



"4k Flat-Fee, Full Service Real Estate Firm!"

 [Share profile](#)

Email JOSH MURRAY

Enter Name

Enter Email

Phone

Message

I'm not a robot



[Send Email](#)

 **JOSH MURRAY** - Brighton, MI [Edit profile](#) [+ Add to network](#)

<https://www.realtor.com/realestateagents/56c3909abb954c01006bd81a>

JOSH MURRAY
Linked Realty LLC

As a Realtor, I provide a full range of services to my clients. From finding the perfect home to helping you sell your current one, I'm here every step of the way. My goal is to ensure that you have a smooth and stress-free experience throughout the process.

With most home buyers starting their home search on the internet, online exposure is critical to attracting buyers. But our services don't stop there. Our team stays with you from listing your home to the closing table. Helping you through inspections, c...

[Continue reading](#)

 (248) 795-9445 Mobile

 [Share profile](#)

 **Linked Realty LLC**
10315 Grand River, Brighton, MI, 48116



"4k Flat-Fee, Full Service Real Estate Firm!"

 [Share profile](#)

Experience	Price Range (last 24 months)
16 years	\$171K - \$665K

Areas Served			
Ann Arbor	Bloomfield Hills	Brighton	Canton
Commerce To...	Dexter	Drayton Plains	Farmington
Fenton	Fowlerville	Hamburg	Hartland
Highland	Howell	Keego Harbor	Livonia
Milford	New Hudson	Northville	Novi

[Show more areas served](#)

Specializations			
Buyers	Flat Fee Listing		
Foreclosures	Market Analysis		
Residential Real Estate	Sellers		
Short Sales			

 **18 Listings** 

 **5 Ratings and Reviews** 

 **4 Recommendations** 

Are you JOSH MURRAY? [Edit profile](#)

EXHIBIT B



Search



My Network

Jobs

Message



Josh Murray, MA TLLP · 3rd

Real Estate Broker at Linked Realty and Clinical Psychologist at Sollars and Associates -

South Lyon, Michigan, United States · [Contact info](#)

500+ connections

 Sollars and Associates - Integrative Counseling and Psychological Services

 Michigan School of Psychology

[Message](#)

[+ Follow](#)

[More](#)

Open to work

Licensed Clinical Psychologist, Psychologist, Psychotherapist, Clinical Psychologist and Psychotherapist In Private ...
[See all details](#)

About

After spending most of my professional life as a real estate broker, I decided I needed a new challenge. I knew whatever challenge I undertook had to provide me with the satisfaction of helping others.

I decided to become a Clinical Psychologist in 2021.

[...see more](#)

Activity

2,511 followers

[+ Follow](#)

Josh hasn't posted lately

Josh's recent posts and comments will be displayed here.

[Show all activity →](#)

Experience



Licensed Clinical Psychologist

Sollars and Associates - Integrative Counseling and Psychological Services · Contract

Jan 2021 - Present · 1 yr 9 mos

United States



Principal Broker at Linked Realty

Linked Realty

2016 - Present · 6 yrs 9 mos

Southeast Michigan

No matter what you have been told, paying 10's of thousands of dollars to sell your home is absolutely ludicrous. Paying 6% of your homes value will not get you more money for your home or better m...
[...see more](#)



Associate Broker Top Michigan Realty Group, Keller Williams



Search



My Network



Messaging



Josh Murray, MA TLLP

Real Estate Broker at Linked Realty and Clinical Psychologist at Soltars and Associates -
...see more



Associate Broker Top Michigan Realty Group, Keller Williams

Keller Williams Realty

Apr 2006 - Oct 2017 · 11 yrs 7 mos

Greater Detroit Area

As a Real Estate Broker who's an expert in Southeastern Michigan, I bring a wealth of knowledge and expertise about buying and selling real estate here. It's not the same everywhere, so you need som ...see more



Director of Sales and Marketing

Top Property Management Group

Nov 2012 - Apr 2016 · 3 yrs 6 mos

Brighton Michigan

Top Property Management Group LLC, is a Michigan based company that offers leasing and property management services for residential and commercial properties in Michigan. Our management te ...see more



Account Manager

D.R.S. Staffing Solutions LC

Jun 2011 - Jan 2014 · 2 yrs 8 mos

South Lyon, MI

President of Sales and Market Development. Full Service Staffing Firm offering Temporary Placements, Contract-To-Hire and Direct Hires. We provide talent across most industries including Administrati ...see more

Show all 7 experiences →

Education



Michigan School of Psychology

Clinical Psychology, Psychology

Jan 2019 - Jul 2021



Eastern Michigan University

Bachelor of Science, Political Science/ Sociology

2003 - 2008

Activities and societies: Mock Trial, Judo, Undergraduate Symposium



Brighton High School

High School Diploma

Jul 2001

Licenses & certifications



Licensed Psychologist

Michigan School of Psychology

Issued Jul 2021 · No Expiration Date



Michigan Real Estate Brokers License

United Latino Students Association

Credential ID 6501349052